

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:13-cr-00165-FDW

UNITED STATES OF AMERICA,)
)
vs.)
)
SEAN MARK YOUNGER,) ORDER
)
Defendant.)
)

THIS MATTER is before the Court on Defendant's *pro se* Motion for Reconsideration (Doc. No. 29) and Motion for Extension of Time (Doc. No. 28). Defendant requests the Court reconsider its prior Order (Doc. No. 27) denying his Motion for Compassionate Release (Doc. No. 22).¹ For the reasons which follow, the undersigned **GRANTS IN PART** and **DENIES IN PART** the Defendant's Motion for Reconsideration and Motion for Extension of Time.

On October 6, 2020, Defendant filed his *pro se* Motion for Compassionate Release. (Doc. No. 22). This Court subsequently ordered the Government to respond to Defendant's Motion by November 6, 2020. (Doc. No. 23). On October 30, 2020, the Government Responded in opposition to the Defendant's Motion. (Doc. No. 26). After carefully considering the motion, the response, and the record, the undersigned denied the Defendant's Motion. In Defendant's Motion for Reconsideration (Doc. No. 29), he asserts the Court "blatantly disregarded its own local rule, which provides 'A reply to the response to a motion, if any, must be filed within seven (7) days of the date on which the response is served.' Local Rule 7.1(e)." *Id.* Defendant, however, mistakenly attempts to apply a local rule governing *civil* cases to this *criminal* case. See Rules of Practice and

¹ https://www.ncwd.uscourts.gov/sites/default/files/local_rules/Revised_Local_Rules_1.pdf

Procedure of the United States District Court for the Western District of North Carolina. However, based on the Court's *discretion* not the Local Rules, the Defendant's Motion for Reconsideration (Doc. No. 29) is **GRANTED**.

For the reasons stated in Defendant's Motion for Extension of Time (Doc. No. 28), the Motion for Extension of Time is **GRANTED**, and the Court allows him **sixty (60) days** to reply to the Government's Response (Doc. No. 26).

IT IS, THEREFORE, ORDERED for the reasons stated above, Defendant's *pro se* Motion for Reconsideration (Doc. No. 29) and Motion for Extension of Time (Doc. No. 28) are **GRANTED IN PART** and **DENIED IN PART**. Defendant has **sixty (60) days** to reply to the Government's Response (Doc. No. 26).

IT IS SO ORDERED.

Signed: November 19, 2020


Frank D. Whitney
United States District Judge